

PLANNING COMMISSION MINUTES

October 9, 2002

CALL TO ORDER: Chairman Vlad Voytilla called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Dan Maks, Shannon Pogue and Scott Winter. Planning Commissioners Gary Bliss and Eric Johansen were excused.

Senior Planner John Osterberg, Associate Planner Scott Whyte, Senior Transportation Planner Don Gustafson, Assistant City Attorney Bill Scheiderich and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that there were no communications.

NEW BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1 **PUBLIC HEARINGS:**

2

3 **A. KUNI AUTOMOTIVE**

4 This proposal for the development of an automotive dealership with
5 Major Automotive Service on the combined area of six properties is
6 generally located at or near the northeast corner of SW Canyon
7 Road and SW 110th Avenue. The subject properties are located at
8 3680 and 3750 SW 110th Avenue, and can be specifically identified
9 as Tax Lots 2100, 2300, 2401, 2500, 2600 and 2700 on Washington
10 County Assessor's Map 1S1-10DD. Tax Lots 2100, 2300 and 2401
11 are zoned General Commercial (GC), while Tax Lots 2600 and 2700
12 are zoned Community Service (CS). Together the subject properties
13 total approximately 4.24 acres in size.

14

15 **1. RZ 2002-0018 – ZONE CHANGE – CS (COMMUNITY**
16 **SERVICE) TO GC (GENERAL COMMERCIAL)**

17 The applicant requests approval of a Zone Change from
18 Community Service (CS) to General Commercial (GC) for Tax
19 Lots 2600 and 2700 of Washington County Assessor's Map 1S1-
20 10DD. Within the CS zoning district, accessory open-air sales,
21 display and storage are limited to no more than five percent
22 (5%) of the gross building area of any individual establishment.
23 Within the GC zoning district, outdoor automobile sales display
24 and storage is permitted outright. A decision for action on the
25 proposed zone change request shall be based upon approval
26 criteria listed in Development Code Section 40.90.15.2.C.

27

28 Commissioner Maks stated that although he and his wife have an
29 interest in GMAC bonds, this would not affect his decision with regard
30 to this application.

31

32 Chairman Voytilla declared that while his family has frequently done
33 business with the applicant, this would have no bearing on his decision
34 with regard to this proposal.

35

36 Chairman Voytilla emphasized that the applicant has submitted three
37 separate applications involving separate aspects of the same proposal,
38 observing that this means there will be three separate hearings, the
39 first of which specifically addresses the zone change.

40

41 All Planning Commissioners indicated that they were familiar with
42 and/or had visited the subject site and had not had any contact with
43 any individual(s) with regard to these applications.

44

1 Associate Planner Scott Whyte presented the Staff Report, briefly
2 described the proposed zone change from CS to GC, and referred to
3 page 6, which identifies the two properties potentially affected by this
4 action. He noted that GC is one of nine zones that would implement
5 the Corridor plan designation, which is applicable for consideration
6 with regard to both parcels. He explained that the purpose statement
7 of the GC zoning district provides an area for businesses that require
8 extensive outdoor storage and/or display of merchandise, equipment, or
9 inventory, adding that commercial activity should be permitted only a
10 long the frontage to arterials or freeways, as shown on the Functional
11 Classification Streets Map. He pointed out that both Tax Lots 2600
12 and 2700 are accessible in front along SW 110th Avenue, which is
13 classified as a collector street, rather than an arterial street. He
14 mentioned that in consideration of the request for this zone change,
15 the Planning Commission could determine that the site's relative
16 proximity and exposure to SW Canyon Road and Highway 217 are
17 circumstances deserving special consideration under Policy E and the
18 action statement thereof. Concluding, he stated that the application
19 meets applicable criteria, recommended approval of this request for a
20 zone change, including nine exhibits with regard to this proposal, and
21 offered to respond to questions.

22
23 Commissioner Maks pointed out that the difference between the CS
24 and GC zoning designations relates to the amount of outdoor storage.

25
26 Mr. Whyte concurred with Commissioner Maks' observation that while
27 the difference between the CS and GC zoning designations relates to
28 the amount of outdoor storage, adding that outdoor storage in the GC
29 zoning district is unlimited.

30
31 Commissioner Maks referred to page 9 of the Staff Report, with regard
32 to Corridor development, observing that he disagrees with the
33 statement that no residential development to propose the action item
34 is applicable. He requested clarification with regard to how this zone
35 change allowing General Commercial Uses as opposed to Community
36 Service uses promotes pedestrian movement.

37
38 Mr. Whyte explained that he is not aware of how this zone change
39 would address this specific issue.

40
41 Commissioner Pogue referred to page 9 of the Staff Report, requesting
42 that paragraph two be amended, as follows: "...and is specific to what
43 is permitted outright by ~~CG~~ GC that is subject to Use Regulations..."
44 He expressed concern that none of those individuals residing in the

1 adjacent neighborhood had taken the time to attend the Neighborhood
2 Meeting.

3
4 Mr. Whyte entered into the record an e-mail from D. Mercedes, dated
5 October 9, 2002, observing that copies have been distributed to the
6 Planning Commissioners. He pointed out that this letter requests a
7 sound barrier and is more specific to the Conditional Use Permit,
8 adding that because a particular application had not been disclosed, it
9 is necessary to enter this into the record.

10
11 Commissioner Maks referred to Comprehensive Plan Section 3.13.A ,
12 with regard to neighborhood residential standard and low density, and
13 questioned whether staff has determined how this application meets
14 this specific policy.

15
16 Mr. Whyte indicated that staff would have to review this issue.

17
18 Commissioner Maks advised Mr. Whyte that this information is on
19 page 10 of the Staff Report.

20
21 Mr. Whyte explained that while this issue could be interpreted several
22 ways, the adoption and application of land use regulations provides
23 more direction to future policy making.

24
25 Commissioner Maks emphasized that his concern is with applying land
26 use regulations. Referring to page 10 of the applicant's submittal,
27 which states that commercial service shall be allocated in a reasonable
28 amount in a planned relationship to the people that they will serve, he
29 requested clarification with regard to who this GC zoning district
30 would actually serve.

31
32 Mr. Whyte indicated that this zoning district would generally serve an
33 automobile-oriented business.

34
35 Chairman Voytilla reminded the applicant that only the proposed zone
36 change is being addressed at this time.

37
38 **APPLICANT:**

39
40 **JERRY BAYSINGER**, Principal Architect representing *CSCB*
41 *Architects PC* introduced Geraldine Moyer, representing *Group*
42 *Mackenzie*, adding that the applicant has provided an entire team of
43 additional experts who are available to respond to questions and
44 comments. He provided a power point presentation illustrating the

1 transitional zoning that currently exists in the subject area, including
2 aerial photographs depicting several different views from around the
3 site, pointing out that the subject site does not include the *Budget*
4 *Rent-a-Car* Building. Concluding, he indicated that the applicant
5 concurs with the Staff Report and recommendations and offered to
6 respond to questions.

7
8 Referring to page 9 of the Staff Report, Commissioner Maks requested
9 clarification of how changing from the CS to the GC zoning district
10 promotes pedestrian use of the area.

11
12 Mr. Baysinger explained that as compared with the historic use of the
13 site, there would be a significant change related to employment
14 proposed for this property. He mentioned that this would involve a
15 high-tech automotive facility, including a minimum of approximately
16 60 highly compensated employees, observing that these employees
17 would be encouraged to utilize public transit.

18
19 Commissioner Maks requested clarification with regard to the number
20 of employees currently utilizing public transit.

21
22 **DALE KUEHN**, representing *Kuni Enterprises*, responded that
23 approximately 10% to 12% of the employees at the Beaverton facility
24 and the Lexus facility utilize public transit.

25
26 Commissioner Maks commended the applicant for a significantly high
27 number of employees using public transit.

28
29 Mr. Kuehn advised Commissioner Maks that the applicant also
30 promotes a lot of bicycle use.

31
32 Commissioner Maks questioned how the proposed zoning designation
33 change from GC to CS enhances the quality of life for the citizens of
34 the City of Beaverton, including the surrounding properties.

35
36 Mr. Baysinger stated that the most significant issue involves the
37 relative ease of access to this location from both SW Canyon Road and
38 Highway 217 as compared to the access to the existing facility on SW
39 Cedar Hills Boulevard. He explained that in response to who would be
40 served by this proposal, *Kuni Automotive* primarily serves the City of
41 Beaverton and Washington County.

42

1 Commissioner Maks informed Mr. Baysinger that his question was not
2 directed at cars, but basically the difference between the types of client
3 that would be generated by these two zoning designations.

4
5 **GERALDINE MOYLE**, representing *Group Mackenzie*, pointed out
6 that the only use beyond temporary living quarters that is permitted in
7 the GC zoning district that is not permitted within the CS zoning
8 district involves auto, boat, recreational vehicle, and trailer sales and
9 rentals.

10
11 Commissioner Maks advised Ms. Moyle that the other issue he had
12 mentioned had been the outdoor storage.

13
14 Ms. Moyle mentioned that in terms of insuring a high quality of life,
15 based on photographs that had just been provided of the existing
16 development on the site, the ability for the proposed zone change
17 enables the applicant to develop the six lots as a cohesive project. She
18 clarified that this would include utilizing current, high-quality
19 materials, and installing new sidewalks on SW 110th Avenue and SW
20 Canyon Road, adding that this area would be brought up to current
21 standards through the use of landscape buffers, a bicycle lane, and a
22 pedestrian plaza. She explained that the level of quality of the
23 development would create an improved street presence than what
24 exists at this time.

25
26 Commissioner Maks emphasized that he considers zone changes to be
27 a very serious issue, observing that some applicants have obtained
28 zone changes for certain and then done something different than was
29 indicated in their proposal. He mentioned that the most important
30 issue is that it is cohesive, expressing his opinion that this change is
31 not transitional.

32
33 Ms. Moyle pointed out that in addition to the transition, there would
34 also be development associated with subsequent applications that
35 would provide that improved streetscape.

36
37 **PUBLIC TESTIMONY:**

38
39 **SHARLEY LaMORA** expressed her opinion that the change from CS
40 to GC does not adequately address the streetscape issue, observing
41 that the area around the *State Farm* building is already attractive and
42 does not need to be addressed. She pointed out that this change would
43 create additional traffic through the adjacent residential zoning
44 district, adding that combining into one car dealership does not

1 improve livability for the local residents because this involves a lot of
2 retail area involving only one particular use. Concluding, she
3 emphasized that while she does appreciate the fact that *Kuni*
4 *Enterprises* is a local dealer, she has concerns with the potential for
5 creating additional shortcuts in the area.

6
7 **APPLICANT REBUTTAL:**
8

9 Mr. Baysinger addressed the issue of traffic between the existing
10 dealership, observing that with the approval of this application, the
11 BMW operation would be removed completely from the SW Cedar Hills
12 site. He pointed out that there would be very little interchange of
13 employees and no particular increase in traffic between the two
14 locations created by this proposal.
15

16 Ms. Moyle commented that a Traffic Impact Study had been submitted
17 with the multiple applications, observing that this document had not
18 been prepared specifically with regard to zone change. Observing that
19 the applicant's Traffic Engineer is available to respond to questions,
20 she stated that the Traffic Impact Study had indicated that there
21 would be a minimal traffic impact on the existing developments within
22 the surrounding neighborhoods.
23

24 The public portion of the Public Hearing was closed.
25

26 On question, staff had no final comments with regard to this
27 application.
28

29 Commissioners Barnard and Pogue and Chairman Voytilla all
30 expressed their support of the proposed zone change.
31

32 Emphasizing that he approves of the use of this land, Commissioner
33 Maks pointed out that because it is located adjacent to and would have
34 an impact upon an existing low-density residential neighborhood, he is
35 unable to support the proposed zone change. He expressed his opinion
36 that some form of transitional zoning should be in place, adding that
37 he does not feel that the proposal meets applicable criteria with regard
38 to frontage.
39

40 Observing that he shares concerns with regard to the lack of
41 transitional zoning and the potential impact upon the adjacent
42 neighborhood, Commissioner Winter observed that he also supports
43 the proposed zone change.
44

1 Mr. Whyte reminded the Planning Commissioners that any motion
2 should acknowledge and reference the special finding that is on page
3 21 of the Staff Report.

4
5 Commissioner Barnard **MOVED** and Commissioner Winter
6 **SECONDED** a motion to approve RZ 2002-0018 – Kuni Automotive
7 Zone Change, Community Service (CS) to General Commercial (GC),
8 based upon the testimony, reports and exhibits, and new evidence
9 presented during the Public Hearing on the matter, and upon the back-
10 ground facts, findings and conclusions found in the Staff Report dated
11 October 2, 2002, as amended in paragraph 3 of page 9, as follows:

12
13 “...and is specific to what is permitted outright by ~~CG~~ GC that s
14 subject to Use Restrictions...”
15

16 and acknowledging staff’s Zone Change Conclusions on page 21 indi-
17 cating that the site’s relative proximity and exposure to Canyon and
18 Highway 217 are circumstances deserving special consideration under
19 Policy “e” and Action 1, of Section 3.10 of the Comprehensive Plan.
20

21 Motion **CARRIED**, by the following vote:

22
23 **AYES:** Barnard, Pogue, Voytilla and Winter.
24 **NAYS:** Maks.
25 **ABSTAIN:** None.
26 **ABSENT:** Bliss and Johansen.
27

28 **2. CUP 2002-0017 – CONDITIONAL USE PERMIT – MAJOR**
29 **AUTOMOTIVE SERVICE**

30 The applicant requests approval of a Conditional Use Permit
31 (CUP) to provide major Automotive Service, which is defined in
32 the Development Code as a Conditional Use of the GC zone,
33 subject to CUP approval, consisting of general automobile
34 service and repair, including major engine and transmission
35 overhaul, removal of cylinder head or crankcase, and steam
36 cleaning. Approximately 30,200 square feet of building floor
37 area would be constructed for the purpose of providing
38 automotive service as part of the overall development plan.
39

40 Commissioner Maks reiterated that although he and his wife have an
41 interest in GMAC bonds, this would not affect his decision with regard
42 to this application.
43

1 Chairman Voytilla reiterated that while his family has frequently done
2 business with the applicant, this would have no bearing on his decision
3 with regard to this proposal.
4

5 Mr. Whyte presented the Staff Report and briefly described the request
6 with regard to Major Automotive Service, which is a conditional use of
7 the General Commercial zoning district, adding that this request
8 includes neither a paint booth nor a mechanical car washing facility.
9 Concluding, he observed that the applicant has provided adequate
10 documentation indicating that the application meets applicable
11 criteria, including a revised parking allocation plan, recommended
12 approval with certain Conditions of Approval, and offered to respond to
13 questions.
14

15 Chairman Voytilla pointed out that Condition of Approval No. 8 with
16 regard to the loudspeaker system is not unique and has been imposed
17 upon other car dealerships, and requested clarification with regard to
18 the maintenance of the fence.
19

20 Mr. Whyte advised Chairman Voytilla that the applicant responsible
21 for the maintenance of the fence, noting that staff is receptive to an
22 amendment to that particular Condition of Approval with regard to
23 fence maintenance.
24

25 Pointing out that glare from lighting has a negative impact, Chairman
26 Voytilla discussed Condition of Approval No. 7, which addresses
27 compatibility with the neighborhood, requesting clarification with
28 regard to why this addresses only residential properties.
29

30 Observing that most complaints are generated by residents of
31 properties, Mr. Whyte indicated that staff is also receptive to a
32 modification of Condition of Approval No. 7 with regard to
33 neighborhood compatibility.
34

35 Commissioner Maks referred to the Condition of Approval that
36 addresses parking issues, and questioned specifically whether staff has
37 directed the applicant to meet the minimum requirement for parking.
38

39 Mr. Whyte advised Commissioner Maks that staff has required the
40 applicant to meet the minimum requirement for parking.
41

42 Commissioner Maks reminded Mr. Whyte that through the conditional
43 use process, the Planning Commission has the authority to require
44 more than the minimum requirement for parking. He emphasized that

1 the major complaint with regard to a car dealership adjacent to a
2 residential neighborhood involves parking issues.

3

4 Mr. Whyte agreed that the parking requirement is at the discretion of
5 the Planning Commission, adding that staff would request a special
6 finding with regard to that specific issue.

7

8 Commissioner Maks pointed out that the Planning Commission often
9 requires CMU with regard to a car dealership located adjacent to a
10 residential neighborhood.

11

12 Mr. Whyte suggested that the issue of CMU could also be considered
13 by the Planning Commission, noting that noise would be addressed by
14 the applicant's noise consultant. He referred to the e-mail submitted
15 by D. Mercedes requesting consideration with regard to a sound
16 barrier, adding that staff is reluctant to require a wall without being
17 certain with regard to how effective this barrier would be for noise
18 reduction.

19

20 Commissioner Pogue requested clarification with regard to the
21 calculation of bicycle parking.

22

23 Mr. Whyte pointed out that staff could provide copies of the applicant's
24 new parking allocation plan, which includes a new summary with
25 regard to the parking breakdown and use category.

26

27 Commissioner Pogue requested information with regard to how staff
28 had determined what would be an acceptable level of daytime noise.

29

30 Mr. Whyte deferred this question to the applicant's noise consultant.

31

32 Chairman Voytilla referred to the communication from Washington
33 County, which included several recommendations, and questioned
34 whether staff had the opportunity to respond.

35

36 Mr. Whyte entered into the record a communication from Washington
37 County, dated October 4, 2002, observing that this letter is a response
38 to the applicant's revision to the position of the access to the site. He
39 pointed out that this access has been relocated to a position closer to
40 SW Canyon Road, adding that this is reflected within the revised plan.

41

42

1 **APPLICANT:**

2
3 Mr. Baysinger continued with the power point slide presentation, add-
4 ing that he intends to address the majority of the questions that have
5 been asked. Referring to the parking issue, he pointed out that while a
6 great deal of parking is available, the majority of this parking within
7 the site would be utilized for storage purposes. Observing that there
8 are a total of 114 parking spaces available, which is the minimum
9 requirement, he noted that 26 of these spaces are designated for
10 customers and handicapped parking. He explained that the remaining
11 88 parking spaces would be numbered, emphasizing that these spaces
12 would be utilized only for employee and customer vehicles, rather for
13 storage and display purposes. He mentioned that one unique feature
14 of the site is that the applicant intends to also utilize the roof of the
15 service building for parking purposes, adding that 82 storage spaces
16 are available at that location. In an effort to screen that use from the
17 adjacent residential neighborhood, the applicant is proposing a five-
18 foot high parapet wall, emphasizing that this exceeds the height of the
19 vehicles that would be stored in that area.
20

21 Mr. Baysinger described the three entrances that would be available,
22 observing that the service facility would be located within the north
23 half of the building. He explained that the service teams work in
24 teams of four technicians, observing that this has been determined to
25 be a very productive method of working at the Denver facility. He
26 discussed what he referred to as the very desirable internal
27 functioning of the service facility, which involves the service teams of
28 four technicians, noting that the parts department would be centrally
29 and conveniently located in the middle of the plan.
30

31 Mr. Baysinger explained that the second floor includes storage for
32 additional parts, as well as dealership offices, a conference room, a
33 training room, and lunchroom facility. He described the exterior of the
34 building, adding that the applicant had addressed issues with regard
35 to design review, which would be reviewed by the Board of Design
36 Review later in the month. He discussed several unique features of the
37 building, including a continuous canopy that provides great shading
38 and projects out from the building for an approximate distance of eight
39 feet, enabling the applicant to obtain a very low heat gain from the
40 southern exposure while still being able to avoid installing reflective
41 glass on that side. He provided an illustration of the shop facility,
42 showing the two-toned block, noting that it would be necessary to
43 reduce the amount of glass in the doors on one side of the building.
44 Observing that the main shop building is 22-feet in height, he pointed

1 out that while the showroom building is basically 26-feet in height, one
2 stairwell reaches a height of 31-feet. He described the access to the
3 rooftop parking area, noting that by cutting into the hillside to some
4 extent, the applicant is able to reduce both the visual and acoustical
5 impact.

6
7 Mr. Baysinger discussed the proposed landscaping plan, including
8 some of the trees that already exist on the site, emphasizing that the
9 proposed parking spaces are beyond the drip line of any of these trees.
10 Referring to several Pin Oak Trees located on SW 110th Avenue, he
11 pointed out that these had been planted as street trees, observing that
12 these trees would be preserved. He mentioned that eight or nine very
13 large Fir Trees located within a grove would be preserved, adding that
14 these trees form an existing buffer between the site and an apartment
15 parking lot. He described both employee and customer parking,
16 emphasizing that most of the on-site parking is storage, which does not
17 typically turn over very frequently. He discussed the existing trees,
18 observing that most of the trees on the illustrations are actually
19 located on the other side of the property line.

20
21 Referring to lighting issues, Mr. Baysinger explained that all of the
22 proposed fixtures are photo-metrically designed, with a reflective
23 material within the fixture that directs the light straight downward,
24 adding that there is also control of the beam spread based upon how
25 this beam is aimed internally. He provided a photometric plan of the
26 site, illustrating the location of the fixtures, observing that the fixtures
27 would be mounted on 25-foot poles. He mentioned that it is not
28 anticipated that there would be any light spill towards the residential
29 properties, although some light would spill into the street to provide
30 improved lighting for pedestrians, particularly on SW 110th Avenue.

31
32 Mr. Baysinger discussed acoustical issues, noting that digital pagers
33 would be utilized in place of an intercom system. Observing that the
34 glass on the doors would be limited to a maximum of 40%, he pointed
35 out that this would allow employees to work in a natural light. He
36 mentioned that Mr. Duple, the applicant's acoustical consultant, has
37 reviewed and would discuss the issues with regard to both the doors
38 and the proposed hours of operation. He discussed the proposed hours
39 of operation, including the anticipated procedure for storing and
40 servicing vehicles, adding that the use of the eastern facing service
41 bays would be limited after 10:00 p.m. and prior to 7:00 a.m.

42
43 Mr. Baysinger referred to bicycle parking, observing that the applicant
44 is proposing four exterior spaces and ten internal spaces, for a total of

1 14 spaces, which complies with code requirements. Concluding, he
2 offered to respond to questions, adding that any of the applicant's
3 experts are also available to provide information.

4
5 Chairman Voytilla requested clarification with regard to how
6 deliveries of new vehicles are generally addressed.

7
8 Mr. Baysinger explained that deliveries could occur anywhere within
9 the site, noting that because it was necessary to design the site to
10 allow fire trucks access throughout the property, the design also allows
11 the applicant to move delivery vehicles through the site as well.

12
13 Chairman Voytilla pointed out that it is not uncommon for a great
14 many of the car dealerships adjacent to residential neighborhoods to
15 unload these vehicles onto the neighborhood streets and questioned
16 whether the applicant has the ability to provide assurance that these
17 deliveries would all occur on-site.

18
19 Mr. Baysinger indicated that the site plan had been designed
20 specifically to allow all deliveries to occur on-site.

21
22 Chairman Voytilla requested clarification with regard to whether the
23 rental car services would continue to be available.

24
25 Mr. Baysinger informed Chairman Voytilla that the rental car service
26 might be discontinued, noting that the Cadillac/BMW site includes an
27 on-site enterprise that provides this service, which is not available to
28 the general public.

29
30 Chairman Voytilla questioned where a customer would be taken for a
31 test drive of a vehicle.

32
33 Observing that the route would have to be revised, Mr. Baysinger
34 pointed out that the Lexus facility currently test drives their vehicles
35 down SW Canyon Road and out to the freeway, rather than through
36 any of the adjacent residential neighborhoods.

37
38 Chairman Voytilla requested information with regard to the
39 mechanical units located on top of the building in the proposed plan.

40
41 Mr. Baysinger explained that there is a fairly limited need for rooftop
42 equipment, observing that air conditioning is provided only in the
43 showroom and offices. He pointed out that infrared heat would be
44 utilized for human comfort within the shop, noting that the rooftop

1 equipment, consisting of one or two units, would be located behind the
2 parapet area or on the roof.

3

4 Chairman Voytilla referred to equipment associated with the
5 mechanics, such as compressors and air exchange units.

6

7 Emphasizing that there have been remarkable advances with regard to
8 the noise generated by this equipment over the past ten years, Mr.
9 Baysinger indicated that these would most likely be located along the
10 west wall or at some location outside of the building.

11

12 Chairman Voytilla questioned whether mechanical hoists would be
13 located within the service bays.

14

15 Mr. Baysinger informed Chairman Voytilla that the mechanical hoists
16 would consist of in-ground lifts.

17

18 Chairman Voytilla referred to the pumping equipment for the in-
19 ground lifts.

20

21 Mr. Kuehn advised Chairman Voytilla that the pumping equipment for
22 the in-ground lifts would all be self-contained, observing that due to
23 the hydraulic system, they would operate very quietly.

24

25 Pointing out that the shop would not be air conditioned, Chairman
26 Voytilla questioned whether there would be occasions when the staff
27 would attempt to reduce the temperature by opening the doors.

28

29 Mr. Baysinger agreed that the doors would probably be left open
30 during those times, noting that each individual garage door would be
31 equipped with an automatic opener.

32

33 Chairman Voytilla requested information with regard to the lighting.

34

35 Mr. Baysinger explained that the deck itself would be located 17 feet
36 above the finished floor, which is approximately five or six feet below
37 the finished floor of the adjacent apartments, and mentioned that the
38 roof level is 11 feet above the ground level of the apartments. He
39 provided an illustration, noting that the light fixture is shown to scale
40 and is 25 feet above the parking deck, with the light directed primarily
41 downward.

42

1 Observing that he is concerned with glare from the element itself,
2 Chairman Voytilla pointed out that the poles are approximately 35
3 higher than the finished floor of the apartments.

4
5 Mr. Baysinger emphasized that the glare is not an issue with a photo-
6 metrically designed cutoff fixture.

7
8 Chairman Voytilla indicated that while he is aware of this, he is also
9 familiar with similar fixtures where the element is visible.

10
11 Mr. Baysinger expressed his opinion that these fixtures had not been
12 properly designed for the purpose of eliminating glare.

13
14 Chairman Voytilla requested clarification with regard to reflective
15 light, observing that this is quite common at auto dealerships.

16
17 Mr. Baysinger advised Chairman Voytilla that this has been addressed
18 indirectly, noting that the applicant would like a certain amount of
19 reflectance and shine with regard to the product out on SW Canyon
20 Road.

21
22 Expressing his appreciation of the efforts made by the applicant to
23 address issues of concern, Chairman Voytilla questioned the possibility
24 of enclosing the upper deck for parking, observing that this would not
25 create lighting issues.

26
27 Mr. Baysinger informed Chairman Voytilla that this issue primarily
28 involves cost, observing that a higher parapet wall should serve to
29 offset any impacts on the neighbors. He mentioned that in addition to
30 the required 114 required parking spaces, the applicant has 270
31 display/storage spaces, for a total of 384 parking spaces within the site,
32 emphasizing that a lot of lighting is necessary to cover this entire area.

33
34 Commissioner Maks requested information with regard to
35 intake/outtake airflow issues, specifically as opposed to another type of
36 commercial building.

37
38 Mr. Baysinger stated that this use most likely does not create greater
39 intake/outtake airflow issues, observing that the shop would be
40 equipped with a mechanical ventilating system to address exhaust
41 from the vehicles. He pointed out that typically, the bays located along
42 the outside wall would be vented through the open door, adding that
43 the bays that are internally accessed would have some type of pull-
44 down or pull-up system generally used for exhaust. He emphasized

1 that the engines are generally not operating when the vehicles are
2 being serviced.

3
4 Referring to parking issues, Commissioner Maks mentioned that there
5 are 60 employees, with ten bays, noting that each bay has the capacity
6 to hold four cars.

7
8 Mr. Baysinger clarified that the plan provides a total of 38 service
9 stalls.

10
11 Commissioner Maks requested clarification of how often the turnover
12 repair services are turned over, specifically with regard to how much
13 parking is necessary, adding that he is concerned about parking for
14 employees, service and sales.

15
16 Mr. Baysinger noted that not all 60 employees are necessarily on the
17 site at any one time.

18
19 Commissioner Maks requested information with regard to how many
20 employees and vehicles would be on site at the highest peak, which is
21 probably during a shift change.

22
23 Mr. Kuehn stated that while he does not have this information for this
24 particular facility, he is able to address the length of time involved in
25 turnovers, involving quick services, such as oil changes. He clarified
26 that the average time for an oil change ranges from ½ hour to 1½
27 hours, which includes cleaning and vacuuming, noting that lengthier
28 services could involve a customer dropping off the vehicle in the
29 morning and returning to pick it up in the evening.

30
31 Commissioner Maks questioned whether Mr. Kuehn is indicating that
32 the majority of the work performed at this site would involve the all
33 day services.

34
35 Mr. Kuehn stated that this varies, observing that a good 60% of the
36 activity in this area involves all day repair or service.

37
38 Chairman Voytilla discussed the number of employees at the facility,
39 including receptionists and managers and excluding sales personnel
40 and lot attendants, observing that the number of office spaces on the
41 plan indicates a total of 81 employees.

42
43 Mr. Baysinger explained that the facility would not be fully-inhabited
44 for a certain period of time, noting that the projections for the year

1 2007 indicate a need for only 24 services stalls, rather than the 30
2 service stalls that are in the plan.

3
4 Chairman Voytilla expressed concern with providing adequate parking
5 to meet this future need.

6
7 Mr. Baysinger pointed out that four of the service bays are utilized
8 mainly for washing and detailing the cars after they have been
9 serviced, noting that this involves the same car simply moving to a
10 different location within the facility.

11
12 On question, Mr. Baysinger advised Commissioner Barnard that some
13 of the storage parking would be temporarily utilized for repairs, adding
14 that the applicant had attempted to make certain that they had
15 provided the designated minimum number required by the
16 Development Code.

17
18 Commissioner Maks requested clarification with regard to the
19 minimum requirement for parking.

20
21 Mr. Whyte stated that the Development Code provides for a revised
22 total count of 114 parking spaces, based on the required off-street
23 parking ratios for service, office, storage, and showroom.

24
25 Commissioner Maks expressed appreciation to the applicant for their
26 efforts and sensitivity with regard to the trees, emphasizing that they
27 had gone beyond what was required.

28
29 Mr. Baysinger advised Commissioner Maks that staff deserves a
30 portion of the credit with regard to these trees.

31
32 Commissioner Maks discussed the noise issue, observing that while he
33 understands DEQ standards, he is concerned with Criteria No. 3,
34 which addresses compatibility, impact and livability issues. He
35 pointed out that the DEQ standards are not the issue at this time,
36 emphasizing that he is concerned with whether those residents of the
37 adjacent properties, including those who live in apartments, would
38 hear more noise than they hear at this time. He mentioned that
39 fencing and screening is worthless for the purpose of noise abatement,
40 noting that CMU block is typically required adjacent to residential
41 properties. He questioned the possibility of providing a five-foot or six-
42 foot CMU block, specifically whether this would address noise issues
43 for the lower properties adjacent to the proposal.

44

1 **ALBERT DUBLE**, P.E., Inc., Acoustical Consultant, explained that
2 this CMU block would provide no noise abatement for those residents
3 on the second floor of the apartments.

4
5 Commissioner Maks pointed out that it is necessary to demonstrate
6 that impact has been minimized or reduced to some extent, adding
7 that for aesthetic reasons, he does not want to impose an unrealistic
8 Condition of Approval on what is otherwise an attractive proposal.

9
10 Chairman Voytilla questioned the possibility of a risk of a ricochet
11 effect involving the sound from the service bays bouncing off of the
12 wall, hitting the CMU wall and returning back to the upper level.

13
14 Mr. Duble advised Chairman Voytilla that every bounce involves a
15 distance that actually minimizes this effect.

16
17 On question, Mr. Baysinger advised Chairman Voytilla that the trees
18 are at approximately the same scale as a boxwood hedge, basically five
19 or six feet in height, adding that the columnar trees would most likely
20 reach a height of 35 feet in five years.

21
22 Commissioner Winter requested clarification of the hours of deliveries
23 for vehicles.

24
25 Mr. Kuehn indicated that the vehicle deliveries could be set up at any
26 time specified, noting that this would generally occur during the
27 daytime hours.

28
29 Commissioner Winter questioned whether 8:00 a.m. through 5:00 p.m.
30 would be adequate time to schedule vehicle deliveries.

31
32 Mr. Kuehn advised Commissioner Winter that the applicant could
33 establish the hours of 8:00 a.m. through 5:00 p.m. for vehicle
34 deliveries.

35
36 Observing that the applicant would like to provide dense-growing
37 plant material, Mr. Baysinger informed Commissioner Winter that the
38 proposed columnar trees are deciduous, adding that the hedge would
39 be evergreen.

40
41 9:19 p.m. to 9:30 p.m. – recess.

42
43 Mr. Baysinger discussed the proposed trees, and referring to the site
44 plan, he pointed out that the columnar trees along the east property

1 line would be Red Maple Trees, which he described as a fairly dense-
2 growing Maple Tree, adding that hedge material is proposed. He
3 pointed out that he would have preferred to have Landscape Architect
4 Hal Beighley available to discuss the landscaping issues.
5

6 Mr. Duble indicated that with the six-foot barrier at the property line
7 and the three-foot elevation change for a total of a nine-foot elevation,
8 there would be a total level of 12 decibels at first floor and five decibels
9 at the second floor.
10

11 Commissioner Maks requested clarification with regard to the CMU
12 level per decibel per foot.
13

14 Mr. Duble stated that at least two feet is necessary over the line of
15 sight of a barrier.
16

17 **PUBLIC TESTIMONY:**
18

19 Ms. LaMora stated that she has concerns with regard to the doors
20 being opened, specifically the potential vehicle emissions that would be
21 generated while working on vehicles.
22

23 Chairman Voytilla advised Ms. LaMora that the applicant had
24 responded to Commissioner Maks' concerns with regard to this issue.
25

26 Ms. LaMora mentioned that it would not take long for customers to
27 discover that the back route (the shortcut to SW Walker Road, up SW
28 110th Avenue, through the residential area into SW Center Street)
29 provides an easier way to access the property, observing that she
30 would appreciate and support any traffic calming measures to address
31 this issue. She pointed out that a great deal of this area is zoned high-
32 density, adding that she finds it difficult to believe that customers
33 would not utilize this route for a test route, and emphasized that this
34 route is already being used for this purpose by other dealerships. She
35 explained that the neighbors have already filed complaints with regard
36 to this issue with the Beaverton Police Department.
37

38 Commissioner Maks stated that while he understands Ms. LaMora's
39 concern with regard to route, traffic-calming efforts are proportionate
40 to the specific application. He emphasized that traffic is not an issue
41 with regard to this particular application, noting that it is necessary to
42 realize that this application is only before the Planning Commission
43 due to the major automotive nature of the proposal. He pointed out
44 that this retail use is permitted outright within this zoning district,

1 and explained that the applicant could put in a *Home Depot*,
2 *Montgomery Ward* or *J.C. Penney Store* on this site without requiring
3 any special permit, reiterating that traffic is a non-issue with regard to
4 this application. Noting that all neighborhoods have traffic issues, he
5 explained that this use is actually one of the lowest traffic generators
6 as compared to other uses that are permitted outright within this
7 neighborhood and zoning district.

8
9 Ms. LaMora stated that she would appreciate no test-driving of
10 vehicles on the public streets in the area.

11
12 On question, no other members of the public testified with regard to
13 this application.

14
15 On question, the applicant offered no rebuttal with regard to public
16 testimony on this issue.

17
18 On question, staff had no further comments with regard to this
19 application.

20
21 On question, Assistant City Attorney Bill Scheiderich indicated that he
22 had no comments with regard to this application.

23
24 The public portion of the public hearing was closed.

25
26 Commissioner Pogue stated that while he has some unanswered
27 concerns with regard to parking issues, his greatest concern involves
28 noise, observing that while eight decibels is fairly minimal, he is
29 apprehensive with regard to the second floor and that he does not
30 believe that 17 decibels could be considered minimal.

31
32 Commissioner Barnard stated that he would support the application
33 with amendments, as follows:

- 34
35 6. Along the north and east property line of the subject site, where abutting
36 existing residential properties, the applicant shall install, at a minimum, a
37 six-foot ~~high chain-link fence with vertical slats~~ **split-face CMU block**
38 **wall abutting all residential property lines, installed and maintained**
39 **by the applicant**. Color and material elements of the fence shall be
40 subject to Design Review approval. In addition, particular emphasis shall
41 be given to landscaping the area before the fence as proposed along east
42 property line to provide additional visual screening from activities
43 associated with auto service.
44

- 1 7. Lamps for site lighting, attached either directly to the building exterior or
2 to a free-standing pole, shall be shielded or directed away from residential
3 properties so that the light source is not available or visible ~~from~~ to all
4 adjacent ~~residential~~ properties where residential units are located. The
5 lamp and fixture design shall be subject to Design Review approval.
6

7 **10. The delivery of cars shall be permitted from 7:00 a.m. to 7:00 p.m.,**
8 **with no offsite loading or unloading.**
9

10 Commissioner Barnard stated that he is open to suggestions with
11 regard to test-driving issues, adding that while he is not aware that
12 this has ever been done, he is also uncertain of how this could be
13 enforced. Referring to the parking standards, he pointed out that
14 while some of the available storage could potentially be utilized as
15 parking for repairs, he is concerned with peak levels.
16

17 Chairman Voytilla noted that he is in support of the application and
18 appreciates Commissioner Barnard's modifications to the proposed
19 Conditions of Approval. He mentioned that his greatest concern has
20 been addressed through the suggested CMU wall, adding that he is
21 comfortable with the stipulation that the light sources are not to be
22 visible from the adjacent properties, noting that this should include
23 right-of-ways as well. Noting that his concerns with limitations on
24 deliveries have been addressed, he stated that he would support a
25 motion to approve this application, with the recommended Conditions
26 of Approval, including the modifications proposed by Commissioner
27 Barnard.
28

29 Commissioner Maks pointed out that he would support the application
30 with the modifications to the Conditions of Approval. He commended
31 the applicant for providing what he considered a great presentation,
32 adding that they had done a good job in responding to questions.
33 Expressing his opinion that the applicant had provided a great
34 proposal and application, he pointed out that his key issue involves
35 parking, adding that he believes that 132 parking spaces are necessary
36 for service, sales and employees. He mentioned that the CMU block is
37 necessary to buffer the potential noise, noting that he questions
38 whether eight decibels is sufficient. Referring to the second story, he
39 stated that he has been involved in land use for many years and that
40 there is not a lot that can be done to address issues involving noise
41 levels on the second floor. He noted that although he is in support of
42 all of the revisions to Conditions of Approval proposed by
43 Commissioner Barnard, expressing his opinion that limiting deliveries
44 to 7:00 a.m. to 7:00 p.m. is too restrictive, suggesting that this should
45 be revised to 7:00 a.m. to 10:00 p.m.

1 Chairman Voytilla pointed out that while he had been concerned with
2 parking issues, because the applicant is in the retail business, he feels
3 reasonably certain that they would provide adequate parking for their
4 customers, adding that the storage area provides for some flexibility.
5

6 Expressing his agreement with the comments of his fellow
7 Commissioners, Commissioner Winter stated that he is in support of
8 the application. He requested clarification of the number of vehicle
9 deliveries that occur on a daily basis.
10

11 Chairman Voytilla reminded Commissioner Winter that Public
12 Hearing has been closed.
13

14 Commissioner Winter withdrew his question with regard to vehicle
15 deliveries, reiterating that he is in support of the revisions to the
16 Conditions of Approval suggested by Commissioner Barnard and
17 concurs with the application.
18

19 Commissioner Pogue expressed concern with the feasibility of
20 installing chain link fences around the base of trees during the
21 construction phase.
22

23 Mr. Whyte assured Commissioner Pogue that this chain link fence
24 protecting the root zone of the trees is a standard Design Review
25 condition that would be automatically included.
26

27 Commissioner Barnard requested clarification of the delivery hours to
28 be imposed upon the application, as well as the number of parking
29 spaces that should be required.
30

31 Commissioner Maks stated that the delivery hours should be from 7:00
32 a.m. to 10:00 p.m., adding that 130 parking spaces should be provided.
33

34 Commissioner Pogue questioned whether the 130 spaces would be a
35 maximum parking requirement for the facility.
36

37 Commissioner Maks advised Commissioner Pogue that the applicant
38 should be conditioned to provide a minimum of 130 parking spaces,
39 emphasizing the importance of including the word "minimum", adding
40 that this would provide adequate parking for service, public sales and
41 employees.
42

43 Commissioner Pogue indicated that limiting the deliveries from 7:00
44 a.m. to 10:00 p.m. is reasonable.

1 Chairman Voytilla observed that he approves of restricting deliveries
2 from 7:00 a.m. to 10:00 p.m., as well as the suggested requirement for
3 130 parking spaces.

4
5 Commissioner Winter concurred with the delivery hours of 7:00 a.m. to
6 10:00 p.m. and the required 130 parking spaces.

7
8 Commissioner Barnard questioned whether the applicant could be pre-
9 vented from storing vehicles in 16 of the 130 required parking spaces.

10
11 Pointing out that it is not feasible to expect that the applicant could be
12 prevented from storing vehicles in 16 of the 130 required parking
13 spaces, Commissioner Maks stated that if complaints are received,
14 staff has the option of contacting Code Enforcement to go check on the
15 situation. He expressed his opinion that there should be no issue as
16 long as the applicant is utilizing their 130 parking spaces correctly,
17 even if some of the employees are parking on the street.

18
19 Chairman Voytilla noted that the applicant is implementing
20 alternative plans at their other facility, expressing his opinion that
21 this indicates good spirit in their attempt to work with the neighbors.

22
23 Commissioner Maks mentioned that this option also provides Code
24 Review with a basis for review.

25
26 Commissioner Barnard **MOVED** to approve CUP 2002-0017 – Kuni
27 Automotive Conditional Use Permit – Major Automotive Service, based
28 upon the testimony, reports and exhibits, and new evidence presented
29 during the Public Hearing on the matter, and upon the background
30 facts, findings and conclusions found in the Staff Report dated October
31 2, 2002, including Conditions of Approval Nos. 1 through 9, with
32 amendments, as follows:

- 33
34 5. The applicant shall re-allocate the parking plan to meet the off-street
35 parking requirement and number of spaces required by Sections 60.20.05
36 and 60.20.10, **for a minimum of 130 parking spaces for employees,**
37 **public and repairing of cars.** A revised parking lot plan, designed for
38 customers, patrons and employees, pursuant to Section 60.20.05.1 of the
39 Development Code, shall be submitted and approved to the satisfaction of
40 the Facilities Review Committee prior to Design Review approval.
- 41
42 6. Along the north and east property line of the subject site, where abutting
43 existing residentially-zoned properties, the applicant shall install, at a
44 minimum, a six-foot ~~high chain-link fence with vertical slats~~ **split-face**
45 **CMU block wall to be installed and maintained by the applicant.**

1 Color and material elements of the ~~fence~~ **wall** shall be subject to Design
2 Review approval. In addition, particular emphasis shall be given to
3 landscaping the area before the ~~fence~~ **wall** as proposed along east property
4 line to provide additional visual screening from activities associated with
5 auto service.

- 6
7 7. Lamps for site lighting, attached either directly to the building exterior or
8 to a free-standing pole, shall be shielded or directed away from residential
9 properties so that the light source is not visible ~~from~~ **to all** adjacent
10 ~~residential~~ properties **and right-of-ways** ~~where residential units are~~
11 ~~located~~. The lamp and fixture design shall be subject to Design Review
12 approval.

13
14 **10. The delivery of cars shall be permitted from 7:00 a.m. to 10:00 p.m.,**
15 **with no offsite loading or unloading of said cars.**
16

17 On question, Commissioner Barnard advised Commissioner Maks that
18 the chain link fence had been eliminated in favor of the CMU block
19 wall in Condition of Approval No. 6.

20
21 Senior Planner John Osterberg requested clarification with regard to
22 the Condition of Approval involving the six-foot CMU wall along all
23 residential property lines, observing that it had been staff's
24 understanding that this wall would only be provided along a single
25 property line along the east of the site, rather than along all abutting
26 residential property lines.

27
28 Commissioner Barnard clarified that it had been his opinion that this
29 is necessary because it is not certain how development would occur in
30 the future.

31
32 Commissioner Maks **SECONDED** the motion.

33
34 Motion **CARRIED**, by the following vote:

35
36 **AYES:** Barnard, Maks, Pogue, Voytilla and Winter.

37 **NAYS:** None.

38 **ABSTAIN:** None.

39 **ABSENT:** Bliss and Johansen.

40
41 Commissioner Maks **MOVED** and Commissioner Barnard
42 **SECONDED** a motion that the rules be suspended with regard to not
43 allowing additional applications after 10:00 p.m. suspend the rules for
44 no additional applications to be considered after 10:00 p.m.
45 Motion **CARRIED**, unanimously.

1 **3. CUP 2002-0023 – CONDITIONAL USE PERMIT –**
2 **EXTENDED HOURS OF OPERATIONS**

3 The applicant requests approval of a Conditional Use Permit
4 (CUP) for extended hours of operation. Within the GC zoning
5 district, uses operating between the hours of 10:00 p.m. and 7:00
6 a.m. and abutting a residential zone are subject to CUP
7 approval. The applicant proposes to provide Major Automotive
8 Service during the business hours of 6:00 a.m. through 12:00
9 midnight, Monday through Friday, with no extended hours of
10 operation requested for services or sales on Saturdays or
11 Sundays. A decision for action on the proposed request shall be
12 based upon the approval criteria listed in Development Code
13 Section 40.05.15.2.C.

14
15 Commissioner Maks reiterated that although he and his wife have an
16 interest in GMAC bonds, this would not affect his decision with regard
17 to this application.

18
19 Chairman Voytilla reiterated that while his family has frequently done
20 business with the applicant, this would have no bearing on his decision
21 with regard to this proposal.

22
23 Mr. Whyte presented the Staff Report, observing that while staff had
24 originally recommended denial based upon the anticipated primary
25 impact of noise with respect to the proposed extended hours of
26 operation, the applicant has demonstrated an ability to insulate this
27 potential noise impact. Referring to pages 17 and 18 of the Staff
28 Report, he discussed the type of doors to be utilized for the service
29 bays, observing that the applicant has demonstrated the ability to
30 provide for some insulation of the potential noise impact. He
31 emphasized the necessity of keeping these bay doors closed after a
32 certain hour in order to allow the adjacent neighbors the opportunity
33 to sleep uninterrupted during this time. He discussed the additional
34 Condition of Approval with regard to the CMU block wall, observing
35 that staff would like the applicant to address the feasibility of
36 providing an electronic system for closing these bay doors, adding that
37 staff feels that this does present a potential issue with regard to
38 enforcement in response to a complaint.

39
40 Chairman Voytilla requested clarification with whether staff is
41 suggesting the possibility of a timer to activate the closure of these bay
42 doors.

43

1 Mr. Whyte clarified that this timer situation is generally what staff is
2 considering, noting that it is necessary to determine whether this
3 option is even feasible. Concluding, he pointed out that staff has
4 recommended five Conditions of Approval in the event that the
5 Planning Commission decides to approve this application, and offered
6 to respond to questions.

7
8 Commissioner Pogue requested clarification of whether Mr. Duble's
9 communication has been submitted into the record.

10
11 Mr. Whyte stated that Albert G. Duble, P.E.'s communication of
12 October 9, 2002, has been entered into the record, along with the e-
13 mail, dated October 9, 2002, submitted by D. Mercedes.

14
15 **APPLICANT:**

16
17 Mr. Baysinger observed that the entire presentation has been provided
18 and offered to respond to questions at this time. He pointed out that
19 the bay doors would be operated by individuals who would essentially
20 push a button to open or close these doors, adding that he is not aware
21 of any system that would open or close these doors automatically at
22 certain predetermined times. He explained that the typical pattern for
23 late at night would provide for the closure of the easterly ¾'s of the
24 shop, emphasizing that any responsible service manager who is doing
25 his job does not want to receive complaints from the neighbors. He
26 explained that the typical morning operation would bring the vehicles
27 in, noting that the flow would be reversed in the evening as the
28 vehicles are picked up.

29
30 Mr. Kuehn mentioned that it would be feasible to utilize only one door
31 throughout the later hours.

32
33 Commissioner Maks requested clarification with regard to the type of
34 work that is performed between the hours of 10:00 p.m. and 12:00
35 midnight.

36
37 Emphasizing that the applicant makes every attempt to accommodate
38 their customers, Mr. Kuehn pointed out that there are instances in
39 which certain hours are not able to retrieve their vehicles until after
40 5:00 p.m.

41
42 Commissioner Maks reiterated that he had referred to the period of
43 time after 10:00 p.m.
44

1 Mr. Kuehn advised Commissioner Maks that some of these individuals
2 work late shifts and are unable to be there prior to 10:00 p.m.

3
4 Commissioner Maks suggested the possibility of placing all of the
5 vehicles to be worked on during those two hours inside the building
6 prior to 10:00 p.m. and not reopening the doors until morning.

7
8 Mr. Baysinger emphasized that this is precisely the reason that the
9 applicant is certain that they are able to limit the use during those
10 hours, adding that they would like the flexibility to operate their
11 business.

12
13 Commissioner Maks pointed out that one mechanic does not have the
14 ability to work on 38 vehicles within a two-hour period of time. He
15 discussed the noise of the car doors opening and shutting with regard
16 to the L1, as well as potential noise generated by the tools.

17
18 Mr. Duple indicated that 75 decibels had been the maximum and 57.5
19 decibels the lowest he had measured at the site, adding that the
20 loudest noise he had noticed had been the pager.

21
22 Commissioner Barnard requested an explanation with regard to the
23 descriptor used to describe the entry door.

24
25 Mr. Baysinger described the entry door as a steel sectional door
26 vertical lift, observing that this door differs from the shop access door.

27
28 Commissioner Winter requested clarification of how often the trucks
29 arrive.

30
31 Mr. Kuehn explained that the arrival of trucks is largely dependent
32 upon the port deliveries, specifically when the ships come in, noting
33 that this is generally once or twice a week.

34
35 Chairman Voytilla questioned the potential for revising the
36 configuration of the door, specifically the addition of glass.

37
38 Mr. Baysinger explained that while the door in the illustration appears
39 to be approximately ten feet in width and 14 feet in height, the
40 proposed doors would be ten feet in height by ten feet in width, adding
41 that the key reason for the illustration is to demonstrate an insulated
42 door with some acoustical value, which would limit the glass to no
43 more than 40% of the surface of the door.

44

1 Observing that the glass would be the weak point, Chairman Voytilla
2 questioned whether the applicant would be willing to consider a
3 Condition of Approval providing for testing of the door with regard to
4 sound standards.

5
6 Mr. Baysinger advised Chairman Voytilla that the applicant would be
7 comfortable with the performance standard limitation of 20, as
8 previously provided by Mr. Duble.

9
10 Commissioner Maks questioned whether any employees would be out
11 emptying trash and slamming a dumpster lid at 12:05 a.m.

12
13 Mr. Baysinger indicated that following a discussion with staff, the
14 applicant had voluntarily relocated a trash receptacle from the east
15 side to the west side of the building.

16
17 **PUBLIC TESTIMONY:**

18
19 **PAUL OKABAYASHI** mentioned his home is three houses from this
20 development, adding that he does not believe that people in the area
21 are aware that this proposal would be approved so quickly. He
22 expressed his opinion that this is a pretty fast-paced change in
23 comparison to a recent rezone he had participated in, emphasizing that
24 it is disheartening to a homeowner to discover that there would be not
25 only a major change such as this but that there is a problem with
26 regard to potential traffic issues. Observing that he is concerned with
27 service issues at the site, he pointed out that his children, who are
28 three years old and 17 months old, are generally asleep between the
29 hours of 8:00 p.m. and 6:30 a.m. Noting that his road has become a
30 direct route between the different *Kuni Automotive* sites, he explained
31 that he is very concerned with the potential for increased traffic that
32 could be generated by this proposal.

33
34 Chairman Voytilla informed Mr. Okabayashi that it is necessary to
35 address applicable criteria with regard to a CUP involving proposed
36 extended hours of operation.

37
38 Mr. Okabayashi advised Chairman Voytilla that he is concerned that
39 these extended hours would create increased traffic and noise after the
40 hour of 10:00 p.m.

41
42 Chairman Voytilla pointed out that traffic not an issue with regard to
43 this proposal, emphasizing that because this land is zoned for this use,
44 it is necessary for Mr. Okabayashi to submit testimony provided by an

1 individual with the professional expertise that would potentially
2 discredit the testimony provided by Mr. Duble. He pointed out that
3 the only difference in activities that would occur involves the amount
4 of outside storage allowed on the site and extended hours of operation.
5 Specifically one hour earlier in the morning and two hours later in the
6 evening.

7
8 Mr. Okabayashi questioned whether there is any guarantee of peace
9 and quiet after certain hours.

10
11 Chairman Voytilla explained that information provided by Mr. Duble
12 indicates that sound should not be an issue for the neighbors,
13 reiterating that this issue can not be considered without specific
14 professional expertise to counter this information.

15
16 Mr. Okabayashi indicated that he understands the issue with regard to
17 professional testimony, and expressed concern that he had not received
18 adequate notification.

19
20 Commissioner Pogue located Mr. Okabayashi's name and address on
21 the mailing list.

22
23 Chairman Voytilla emphasized that adequate notification had been
24 provided, noting that the property had been posted, notification had
25 been sent through the mail, there had been a Neighborhood Meeting,
26 and the information had been provided on the City of Beaverton's
27 website.

28
29 Mr. Okabayashi expressed his opinion that the neighbors do not truly
30 understand what is involved with this issue.

31
32 Chairman Voytilla reiterated that the City of Beaverton had provided
33 all necessary and legally required notification, emphasizing that there
34 is only an ability to do so much.

35
36 Mr. Okabayashi indicated that it had been his understanding that this
37 would be the preliminary hearing, adding that he is quite shocked to
38 realize that a decision would be made at this time.

39
40 Chairman Voytilla informed Mr. Okabayashi that there is no
41 preliminary hearing and suggested that he become involved with his
42 NAC in order to be more aware of what is occurring in his
43 neighborhood and the City of Beaverton.

44

1 The public portion of the Public Hearing was closed.

2
3 Observing that staff had originally recommended denial of this
4 application, Chairman Voytilla questioned whether new evidence has
5 caused them to reverse this recommendation.

6
7 Mr. Whyte indicated that while staff is still concerned with the doors
8 regularly closing at 10:00 p.m. on a daily basis, emphasizing that this
9 basically relates to enforcement issues, staff is willing to defer to the
10 Planning Commission with regard to the feasibility of a timed closure.

11
12 Commissioner Maks suggested the possibility of including a Condition
13 of Approval providing that these doors would not open after 10:00 p.m.,
14 adding that if complaints were received from the neighbors indicating
15 that these doors are opening after 10:00 p.m., the CUP would be
16 cancelled.

17
18 Mr. Osterberg pointed out that the applicant had proposed a Condition
19 of Approval that would address this issue, adding that the nighttime
20 activity would occur on the other side of the building.

21
22 Chairman Voytilla explained that it is his understanding that the
23 applicant would have the service bays closed and only one access door
24 to the service bays would be open at this time.

25
26 Mr. Osterberg clarified that the access door on the east side would
27 remain open at this time.

28
29 Chairman Voytilla emphasized that the service activities would be
30 concentrated on the west side.

31
32 Mr. Osterberg pointed out that this would be an appropriate type of
33 Condition of Approval that would allow staff to change their
34 recommendation for denial.

35
36 Mr. Whyte mentioned that this would necessitate some type of finding
37 or direction to allow staff to change their recommendation for denial
38 and approve, with Conditions of Approval.

39
40 Commissioner Maks noted that it appears that staff's recommendation
41 for denial is based upon Criterion No. 3, specifically that the proposed
42 mitigation of noise was not considered adequate, adding that the
43 Planning Commission could potentially disagree with staff with regard
44 to that specific criterion.

1 Mr. Whyte indicated that this would satisfy staff.

2
3 Commissioner Barnard stated that he would support the application,
4 with some amendments to the Conditions of Approval, as follows:

- 5
6 5. The applicant shall re-allocate the parking plan to meet the off-
7 street parking requirement and number of spaces required by
8 Sections 60.20.05 and 60.20.10, **for a minimum of 130 park-**
9 **ing spaces for employees, public and repairing of cars.** A
10 revised parking lot plan, designed for customers, patrons and
11 employees, pursuant to Section 60.20.05.1 of the Development
12 Code, shall be submitted and approved to the satisfaction of the
13 Facilities Review Committee prior to Design Review approval.

14
15 to match Condition of Approval No. 5 for CUP 2002-0017 – Kuni
16 Automotive Conditional Use Permit – Major Automotive Service.

17
18 Observing that the issue at this time involves a Conditional Use
19 Permit with regard to extended hours of operation, Commissioner
20 Maks expressed his opinion that this specific Condition of Approval
21 should be eliminated.

22
23 Following a brief discussion, staff concurred and agreed to eliminate
24 Condition of Approval No. 5.

25
26 Commissioner Barnard suggested a new Condition of Approval No. 5,
27 as follows:

- 28
29 5. The east service bay doors use is minimized with extended hour
30 activities focused through the west side service bay. The shop
31 access door usage is allowed.

32
33 Commissioner Barnard mentioned that he would like to discuss the
34 shop access door, expressing his opinion that the conditioned split-
35 facing CMU wall would mitigate a great deal of the noise issue.

36
37 Commissioner Maks disagreed with Commissioner Barnard, and
38 explained why he would not support this Condition of Approval No. 5.

39
40 Chairman Voytilla emphasized that CUPs run with the land, pointing
41 out that ownership and use of property and buildings are subject to
42 change, adding that he supports the application.

43

1 Commissioner Pogue stated that he is in support of the application,
2 with the proposed revisions, expressing his opinion that the main
3 access area door should be closed during those extended hours in order
4 to maintain the livability in surrounding areas. He clarified that he
5 would support a motion to close all doors on the east side between the
6 hours of 6:00 a.m. and 7:00 a.m., and 10:00 p.m. and 12:00 midnight.

7
8 Commissioner Winter expressed his support of the application,
9 pointing out that while he is unconcerned with the hour of 6:00 a.m.,
10 which he does not feel is unreasonable, he is much more concerned
11 with the potential use between the hours of 10:00 p.m. and 12:00
12 midnight. He pointed out that there should be some flexibility for an
13 individual to drop off a car at 6:00 a.m., if necessary, adding that while
14 he does not believe that there would be a tremendous amount of traffic
15 at that particular point in time, it should not create a great deal of
16 inconvenience to be required to drive around to the other side of the
17 building at that time.

18
19 Commissioner Barnard noted that while it is possible to enter the shop
20 through the bay doors on the west side, the only physical shop
21 entrance is located on the east side.

22
23 Commissioner Pogue pointed out that there had been no testimony
24 with regard to the amount of traffic that would be generated between
25 the hours of 6:00 a.m. and 7:00 a.m.

26
27 Commissioner Maks requested clarification with regard to the doors in
28 the morning.

29
30 Commissioner Barnard stated that he would support the full use of the
31 facility between the hours of 6:00 a.m. and 7:00 a.m.

32
33 Commissioner Maks expressed his opinion that the east doors should
34 be closed down during this time, adding that vehicles should only be
35 allowed to enter through the west doors during these morning hours.

36
37 Commissioner Barnard indicated that he would be willing to support a
38 minimized use of the bay doors, adding that he supports use of the
39 facilities with some restrictions with regard to opening and closing the
40 bay doors between the hours of 6:00 a.m. and 7:00 a.m.

41
42 Commissioner Barnard **MOVED** and Commissioner Winter
43 **SECONDED** a motion to approve CUP 2002-0023 – Kuni Automotive
44 Conditional Use Permit – Extended Hours of Operation, based upon

the testimony, reports and exhibits, and new evidence presented during the Public Hearing on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated October 2, 2002, and providing that the Planning Commission disagrees with staff's determination that the application does not meet applicable criteria with regard to Criterion No. 3, which states, as follows: "That the location, size, design, and functional characteristics of the proposed use are such that it can be made reasonably compatible with and have a minimum impact on the livability and appropriate development of other properties in the surrounding neighborhood.", and amendments to the Conditions of Approval listed on page 19, as follows:

5. ~~The applicant shall re-allocate the parking plan to meet the off street parking requirement and number of spaces required by Sections 60.20.05 and 60.20.10. A revised parking lot plan, designed for customers, patrons and employees, pursuant to Section 60.20.05.1 of the Development Code, shall be submitted and approved to the satisfaction of the Facilities Review Committee prior to Design Review approval. The east service bay doors use is minimized with extended hour activities focused through the west side service bay. The shop access door usage is allowed.~~

Commissioner Maks **MOVED** and Commissioner Winter **SECONDED** a motion to amend the motion revising Condition of Approval No. 5, as follows:

5. The east service bay doors use is minimized with extended hour activities focused through the west side service bay. The shop access door usage is allowed. **All eastern doors shall remain closed from 10:00 p.m. to 6:00 a.m.**

Motion approving the amendment, **CARRIED**, unanimously.

Motion, as amended, **CARRIED**, by the following vote:

AYES: Barnard, Maks, Pogue, Voytilla and Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Bliss and Johansen.

APPROVAL OF MINUTES:

Minutes of the meeting of September 25, 2002, submitted. Observing that this meeting had involved only a continuance and he had been the

1 only Planning Commissioner in attendance, Chairman Voytilla
2 approved the minutes as written and distributed.

3

4 **MISCELLANEOUS BUSINESS:**

5

6 The meeting adjourned at 10:57 p.m.